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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 09/727,905  | 11/30/2000  | Charles Scott Roberson | M-8391US            | 3691             |
| 33031   | 7590        | 09/30/2004             | EXAMINER            |                  |
| CAMPBELL STEPHENSON ASCOLESE, LLP<br>4807 SPICEWOOD SPRINGS RD.<br>BLDG. 4, SUITE 201<br>AUSTIN, TX 78759 |             |                        | PHAN, MAN U         |                  |
|   |             |                        | ART UNIT            | PAPER NUMBER     |
|   |             |                        | 2665                |                  |

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | Application No. | Applicant(s)    |
|------------------------------|-----------------|-----------------|
|                              | 09/727,905      | ROBERSON ET AL. |
| Examiner                     | Art Unit        |                 |
| Man Phan                     | 2665            |                 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 November 2000.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) \_\_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 1-31 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

***DETAILED ACTION***

1. This communication is in response to applicant's communications filed 11/30/2000 in the application of Roberson et al. for a "Method and apparatus for transporting network management information in a telecommunications network". The preliminary amendment filed 02/07/2003 has been entered and made of record. Claims 1-31 are pending in the application.

***Election/Restriction***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-16 and 30-31 drawn to the Multiple levels of multiplexing to form a multiplex hierarchy: Subject matter having more than one multiplexing stage, including details of methods or apparatus for formatting, converting, combining, or distributing information signals for transmission or reception via more than one time or frequency channel, and wherein all input channels have same amount of information transmitted per unit time, classified in **class 370, subclass 541**.

II. Claims 17-29 drawn to the Bridge or gateway between networks: Subject matter having a device for interconnecting two or more networks at a media-access level of a data-link layer; having a switching architecture in which a plurality of switch

nodes are provided such that the switching function is spread out over a geographical area, and wherein information data to be switched is organized with one or more bytes preceded by an identification information indicative of a source or destination station, classified in **class 370, subclass 401**.

The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as the use of virtual tunnel for transporting network management information, which does not include the particular listed of the invention I, such as the Multiple levels of multiplexing to form a multiplex hierarchy in SONET frame network. See MPEP ' 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for Group I is not required for Group II or III, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37.CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

6. *Any response to this action should be mailed to:*

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

*or faxed to:* (703) 308-9051, (for formal communications intended for entry)  
*Or:* (703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Mphan

09/22/2004



**MAN U. PHAN  
PRIMARY EXAMINER**